



American Athletic Association of the Deaf

Before the
Federal Communications Commission
Washington, D.C.

FCC MAIL ROOM

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In the Matter of)
Implementation of Section 255 of the)
Telecommunications Act of 1996)

WT Docket No. 96-198

Access to Telecommunications Services,)
Telecommunications Equipment, and)
Customer Premises Equipment)
By Persons with Disabilities)

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Reply Comments of
American Athletic Association of the Deaf, Inc.

1. Introduction

The American Athletic Association of the Deaf is an organization recognized by the United States Olympic Committee as representing sports among deaf athletes. We have over 15,000 members in various sports specific organizations. Our interest in telecommunications accessibility is of a high priority because it is our main means of communicating with our scattered membership. We thank the FCC for this opportunity to reply to comments to the FCC's Notice of Inquiry regarding access to telecommunications services. We wish to also express our support for the comments submitted by the National Association of the Deaf and by the Consumer Action Network in this proceeding.

II. The FCC Should Adopt Rules to Implement Section 255.

The FCC requested guidance on how it should enforce Section 255's requirements for accessibility. It further asks whether this should be done by rules or voluntary guidelines or on a case by case basis.

Despite improvements in accessibility, there are still many features which are not accessible to the deaf individual. And, as technology continues to evolve, it is inevitable that without rule-making, further services will be inaccessible. Some current examples are:

While one can receive and capture television scenes on a computer, there is no decoder chip present in the monitor so any closed captioning remains invisible.

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While a computer equipped with a modem can be used to send text, it is not possible to use it as a TTY because computers are not compatible with the Baudot code.

Alarm systems that utilize telecommunications to summon assistance are not accessible through TTYs.

Pay phones do not provide TTY access nor a place to put a portable TTY nor an outlet in which to plug it.

Pay phones often do not make it possible for a TTY user to select the carrier of choice.

Caller I.D. does not work if one is receiving a call through a relay service.

Voice mail: This is the bane of a deaf TTY user. Even with the use of a relay service, voice mail is extremely difficult to use.

Pagers and cellular phones remain generally inaccessible to the deaf customer.

It is interesting to note that members of industry call for voluntary guidelines, claiming the marketplace will take care of the matter that way. Past history indicates that industry will provide little or no progress in this area. The TTY was invented by a deaf person and even today is manufactured by specialty companies, not by the major industries (and remains quite expensive). The caption decoder was developed with federal funding and did not achieve widespread use until mandated by legislation. Without rulemaking, we can expect that the great promise of accessibility that was held out by the Telecommunications Act will be hollow indeed. Rulemaking by the FCC is vital to accessibility, beyond all doubt. Rules are needed to ensure that products are designed with access in mind. They can be flexible enough to allow and encourage innovation and competition. The fear that rules will stifle innovation are unjustified.

An example of what happens when there is no legislation or rule making is in the fact that computer monitors were not required to incorporate the closed captioned decoder chip. That was not a problem originally because computers were text-based and sound was not a vital component. The heavy use of CD-ROM software has resulted in increasing use of video and audio information which has no accompanying text and yet is often vital to the usage of the software. Thus, the deaf consumer finds increasing amounts of software is inaccessible.

III. The FCC Should Require Documentation of Any Accessibility Impact Analysis.

Manufacturers should be required to undertake some type of "accessibility impact analysis" in order to ensure accessibility. They should be required to keep in mind disability access during all phases of development, design and marketing. This can best be done by consulting with the consumer. Individuals with disabilities must be involved in the design, manufacture, use, and upgrade stages. Accessibility assessments must be required. Without these, consumers will have no assurance that equipment and services are, in fact, accessible.

IV. Telecommunications Companies Must Evaluate Accessibility Periodically.

Technology seems to be changing more rapidly with each passing year. A feature that is accessible today may be inaccessible when the technology changes to improve general access. Further, items currently not accessible "readily" may well be so when technology advances.

Thus it is critical that FCC require continual review of products and services to ensure that they be made accessible as rapidly as possible. The history of civil rights for individuals with disabilities shows that in most cases, leaving protection of important rights to the voluntary actions of others has not worked.

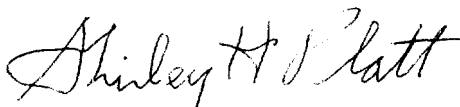
V. There Should Not Be Any Exempt Category of Telecommunications Companies.

It is clear that Section 255 requires that telecommunications products and services must be accessible unless it is shown that such access is not readily achievable. Therefore, exemption of blocks of businesses and manufacturers is not warranted. The deaf consumer uses all kinds of products and services and would be overjoyed to be able to use even more, if they were accessible. Only where it can be demonstrated, through a disability impact analysis, that it is not readily achievable to find a solution, despite their best efforts, should they be relieved of their responsibility under this law.

VI. Conclusion

Deaf individuals have greeted the Telecommunications Act as our bridge to the 21st century. The accessibility promise inherent in the legislation has brought us much joy and anticipation. Barriers to telecommunications products and services have long prevented our full integration into society. We have paid a dear price for this lack of access. Section 255 provides an unprecedented opportunity to open society to all disabled and particularly to the deaf individual, where telecommunications, by its very nature, has long been closed. We thank the FCC for its prompt attention to this portion of the Act and for the opportunity to comment. We urge you very strongly to implement firm rulemaking to assure that accessibility is not denied.

Respectfully submitted,



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